

IN REGULAR SESSION
TUESDAY, APRIL 14, 1992

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE
COUNCIL CHAMBERS Tuesday EVENING April 14, 1992
IN Regular SESSION. PRESIDENT Thomas C. Henry
IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine, AND
Sandra E. Kennedy CITY CLERK, AT THE DESK, PRESENT THE
FOLLOWING MEMBERS VIZ:

BRADBURY <u>Present</u>	EDMONDS <u>Present</u>	GiaQUINTA <u>Present</u>
HENRY <u>Present</u>	LONG <u>Present</u>	LUNSEY <u>Present</u>
RAVINE <u>Present</u>	SCHMIDT <u>Present</u>	TALARICO <u>Present</u>

ABSENT: _____

COUNCILMEMBER: _____

THE MINUTES OF THE LAST REGULAR March 24, 1992,

SPECIAL _____, 19__

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION,
APPROVED AND PUBLISHED.



THE CITY OF FORT WAYNE



Paul Helmke
Mayor

March 24, 1992

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. G-92-03-15 (AS AMENDED)

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
24th day of March 1992.

Robert Hutner
Secretary

/pb

CC: File

FACT SHEET

G-92-03-15

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment

APPROVAL DEADLINE**REASON****DETAILS****Specific Location and/or Address**

N/A

Reason for Project

The existing language found in Section 33-44 (f), (1) outlines the requirements for the placement of fill in the floodway fringe. The existing language lacks specificity and is difficult to administer. The proposed language eliminates these vague regulations and clarifies the requirements of this section of the ordinance.

Discussion (Including relationship to other Council actions)

Public Hearing - March 16, 1992

(See Attached Minutes of Meeting)

Business Meeting - March 23, 1992

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation as amended.

Of the eight (8) members present, seven (7) voted in favor of the motion, one (1) did not vote.

Motion carried.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents**

Applicant(s)
Land Use Management - C&ED
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

**Staff
Recommendation**☒ For☐ Against

Reason Against

**Board or
Commission
Recommendation**

By

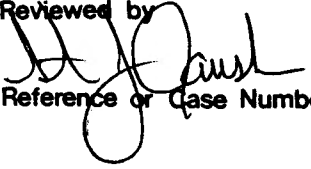
☒ For☐ Against☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS**POLICY/PROGRAM IMPACT****Policy or
Program
Change**☐ No☐ Yes**Operational
Impact
Assessment**

(This space for further discussion)

Project Start**Date** 12 February 1992**Projected Completion or Occupancy****Date** 24 March 1992**Fact Sheet Prepared by**
Patricia Biancaniello**Date** 24 March 1992**Reviewed by**

Reference or Case Number**Date**
24 MARCH 1992

a. Bill No. G-92-03-15 - Amendment #502
Amendment to Flood Ordinance
Section 33-44 (f) 1

Steve Ranshaw, Senior Planner, with Community and Economic Development appeared before the Commission. Mr. Ranshaw stated that basically what they are doing with the requested amendment was putting in some clarification language into the flood plain ordinance itself. He stated that all they are doing is taking a paragraph that was difficult to administer and very vague and replacing it with some language that was more specific. He stated that more specifically they are talking about the concept of compensatory storage, which is simply a regulation on fill, the amount and the type of fill that is allowed to be placed in the flood plain. He stated that the whole idea of compensatory storage is to make sure that you are not reducing the net volume of water that can be retained by the flood plain. He stated that the old language in the ordinance was unclear. He stated that the new language will be clear. He stated that we have been administering the old language the way the new language is stated. He stated this is not a change in content, just a clarification.

John Shoaff asked Mr. Ranshaw to clarify what the phrase "incremental flood frequency elevation".

Mr. Ranshaw stated that basically the whole idea behind that is to make sure that you are not pulling fill from across town and a different elevation. He stated it will actually have no effect on the compensatory storage or the flood plain at that location. He stated that if he was assuming that it is going to limit the area and the location from which that fill is to be pulled then he was correct.

Mr. Shoaff stated that was where he needed clarification.

Mr. Ranshaw stated that this language comes from the Federal Emergency Management Agency, and so this is the recommended language which they have given us in order to provide for the definition and the term "compensatory storage". He stated that his understanding as to how that is to be administered is to make sure that if you are filling at a particular flood elevation level, being the Mean Sea Level, whatever that would be within that 100 year flood elevation, that fill needs to be pulled from that same elevation and in that same general area. So that the basic net effect would be zero on the flood plain.

John Shoaff questioned what they meant by the same general area.

Mr. Ranshaw stated that they are not saying on the same lot. He stated they are saying in the same area that the water is being pulled to and stored at.

There was no one else who wished to speak in favor of or in opposition to the proposed amendment.



MEMORANDUM

TO: Plan Commission Members

FROM: Steve Ranshaw, *[Signature]* Senior Planner, Land Use Management
Section, Community and Economic Development

DATE: March 10, 1992

SUBJECT: Proposed Amendment to the Floodplain District of the Fort
Wayne Zoning Ordinance

Background

As you know, the City of Fort Wayne is currently participating in the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP). An integral part of this participation involves the management of Special Flood Hazard Areas (SFHA) located within the City. One method of SFHA management involves the use of Article X - Floodplain District, of the Fort Wayne Zoning Ordinance. It is important that this section of the ordinance remain up-to-date and that it satisfies the standards and requirements of FEMA.

Proposal

The existing language found in Section 33-44, (f), (1) outlines the requirements for the placement of fill in the floodway fringe. The existing language lacks specificity and is difficult to administer. The proposed language eliminates these vague regulations and clarifies the requirements of this section of the ordinance. The following language is proposed to be deleted in its entirety and replaced with the proposed language found in the ordinance amendment forms.

To be deleted:

Section 33-44, (f), (1) For any fill proposed to be deposited in the floodway fringe, it must be shown that the advantages outweigh the detriment caused by the fill and to be of some beneficial purpose. The amount of the fill shall not be greater than is shown on a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill. All fill placed within the floodway fringe shall be obtained from other areas within the floodplain. The location within the floodplain from which the fill is taken shall be graded and seeded to prevent erosion and sedimentation.

Proposed Text

Section 33-44 (f),(1) Any placement of fill or other materials above grade in the flood plain shall require compensatory storage volume at least equal to the volume of flood plain storage displaced and shall be provided at the same incremental flood frequency elevation as the flood storage volume displaced. Compensatory storage shall be operational prior to placement of fill or other materials in the regulated flood plain. Grading in regulatory flood plains shall be done in such a manner that the existing flood storage is maintained at all times. The location within the flood plain from which the fill is taken shall be graded and seeded to prevent erosion and sedimentation.

Recommendation

We recommend DO PASS to provide for the continued, efficient management of the Special Flood Hazard Areas within the City of Fort Wayne and to assure compliance with FEMA rules and regulations.

1 BILL NO. G-91-03-15 (AS AMENDED)

2 GENERAL ORDINANCE NO - _____

3 AN ORDINANCE OF THE COMMON COUNCIL OF THE
4 CITY OF FORT WAYNE, INDIANA
5 AMENDING CHAPTER 33 OF THE MUNICIPAL CODE
6 OF THE CITY OF FORT WAYNE, INDIANA

7 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
8 WAYNE, INDIANA:

9 SECTION 1. That Section 33-44 (f) (1) of Article X --
10 Flood Plain District be deleted in its entirety and replaced
11 with the following:

12 (1) Any placement of fill or other materials above grade
13 in the flood plain shall require compensatory storage
14 volume at least equal to the volume of flood plain
15 storage displaced and shall be provided at the same
16 incremental flood frequency elevation and within the same
17 watershed as the flood storage volume displaced. For the
18 purpose of this ordinance, watershed shall be defined as
19 an area from which water drains to a single point; in a
20 natural basin, the watershed is the area contributing
21 flow to a given place or a given point on a stream.
22 Compensatory storage shall be operational prior to
23 placement of fill or other materials in the regulatory
24 flood plain. The location within the flood plain from
25 which the fill is taken shall be graded and seeded to
26 prevent erosion and sedimentation. Grading in regulatory
27 flood plains shall be done in such a manner that the
28 existing flood storage is maintained at all times.

29 SECTION 2. That this Ordinance shall be in full force
30 and effect from and after its passage and approval by the
31 Mayor.

32 _____
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. TIMOTHY MCCAULAY, CITY ATTORNEY



THE CITY OF FORT WAYNE



Paul Helmke
Mayor

March 24, 1992

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. G-92-03-16

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
24th day of March 1992.

Robert Hutner
Secretary

/pb

CC: File

Division of Community Development & Planning

BRIEF TITLE

APPROVAL DEADLINE

REASON

Zoning Ordinance Amendment

DETAILS

Specific Location and/or Address <p style="text-align: center;">N/A</p>
Reason for Project <p>The purpose of the amendment is to provide standards for the placement and erection of fences and walls for the conservation and protection of property; the assurance of safety, security, and privacy; and the improvement of the visual environment, including the provision of an orderly appearance in keeping with neighborhood character.</p>
Discussion (Including relationship to other Council actions) <p><u>16 March 1992 - Public Hearing</u></p> <p>Steve Ranshaw, Senior Planner, with Community and Economic Development stated that this ordinance was in direct response to cases that have been coming before the Board of Zoning Appeals. He stated that the ordinance does not allow for fences in the front yard. He stated that the Board of Zoning Appeals was being forced to try to hear cases, without any criteria, and determine whether these were going to satisfy the basic criteria for a variance. He stated that it was a very difficult situation. He stated that the Board requested that the staff come up with some possible variation, or at least, some guidance as far as what could be done with fencing in the front yard. He stated that what they have done is set up a procedure now that outlines some guidelines for the Board to hear these cases. He stated that instead of making them straight variances they are now Special Uses and there are guidelines specified in this language that will set out some of the criteria that the Board will hear. He stated that one other thing it does is it helps in defining fences.</p>

POSITIONS

RECOMMENDATIONS

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/Proponents	Applicant(s) Land Use Management - C&ED City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

There was no one else who wished to speak in favor of or in opposition to the proposed amendment.

March 23, 1992 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the eight (8) members present, seven (7) voted in favor of the motion, one (1) did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or
Program
Change

☐ No☐ Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 10 December 1991

Projected Completion or Occupancy

Date 24 March 1992

Fact Sheet Prepared by
Patricia Biancaniello

Date 24 March 1992

Reviewed by

Date

24 MARCH 1992

Reference or Case Number

MEMORANDUM

TO: Plan Commission Members

FROM: Steve Ranshaw, *MR* Senior Planner, Land Use Management
Section, Community and Economic Development

DATE: March 10, 1992

SUBJECT: Proposed Amendment to the Fort Wayne Zoning Ordinance
Regulating Fences

Background

Over the past year the Board of Zoning Appeals (BZA) has had several requests for approval of fences located in residential front yards. The current ordinance, however, does not permit front yard fences, and provides no guidance to the Board and staff as to when exceptions might be warranted or even beneficial. In the past the BZA granted a few variances, but recently it (or the Hearing Officer) has felt it had no choice but to deny the requests. (The only recent approval for such a fence granted by the BZA was for a woman whose handicapped child often ran into the street.) After the two most recent appeals for front yard fence variances came before it, the BZA asked staff to propose options giving it more flexibility while still maintaining control of the quality of potential front yard fences. The proposed ordinance changes are staff's response.

Proposal

The most fundamental change under the proposed new ordinance is that fences in residential front yards would now be permitted as a Special Use, but only under very strict conditions. These include:

1. The BZA must approve each request;
2. The applicant must obtain the signatures of 80% of property owners within 200 feet of his property;
3. Only "decorative" fences are permitted. Decorative fences include, but are not limited to, picket, split rail, and wrought iron. Chain link, however, is prohibited;
4. The fence may be no higher than 3 feet.

Other new features of the ordinance are the addition of definitions of a fence and fence types; standards for materials, construction, and enforcement; and a purpose statement. The purpose, which will give general guidance to the BZA and staff in evaluating appeals, is the "conservation and protection of property; the assurance of safety, security, and privacy; and the improvement...of neighborhood character."

The proposed ordinance retains provisions from the current regulations for a maximum fence height of 7 feet. It also incorporates the "clear sight" or "visibility triangle" standard of the existing ordinance restricting the placement of fences, etc., at intersections.

Recommendation

We believe the proposed ordinance will enhance neighborhood character by making future front yard fences more compatible with one another. It will do this by improving the review and control of proposed front yard fences in residentially zoned districts. The additions and improvements to the ordinance language itself will make it easier and more efficient to administer and enforce. For these reasons we recommend that the Plan Commission adopt a Do Pass resolution of this ordinance.



THE CITY OF FORT WAYNE



Paul Helmke
Mayor

March 27, 1992

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated utility easement.

The proposed ordinance is designated as:

Bill No. G-92-02-21

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
27th day of March 1992.

Robert Hutner
Secretary

/pb

CC: File

Division of Community Development & Planning

BRIEF TITLE

Utility Easement Vacation

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

The west 5 ft of the south 148 ft of Lot 183 in Waynedale Gardens Second Addition.

Reason for Project

Proposed addition to the home.

Discussion (Including relationship to other Council actions)

24 February 1992 - Public Hearing

David Meyer, 2702 Witchwood Dr, petitioner, appeared before the Commission. Mr. Meyer stated that he was requesting the vacation in order to build an eighteen (18) foot addition on the west side of his home. He stated that the proposed addition would extend across the easement onto Lot 182.

Mel Smith questioned if the petitioner had read the staff comments.

Mr. Meyer stated he had not seen them.

Mel Smith questioned if he would be willing to comply with the conditions of the staff.

Mr. Meyer stated that he did not know of any utilities occupying the easement other than his own sewer.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

David E. Meyer
City Department

Other

Opponents**Groups or Individuals**

Basis of Opposition

**Staff
Recommendation**

☒ For

☐ Against

Reason Against

**Board or
Commission
Recommendation**

By

☒ For

☐ Against

☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

**CITY COUNCIL
ACTIONS**
(For Council
use only)

☐ Pass

☐ Other

☐ Pass (as
amended)

☐ Hold

☐ Council Sub.

☐ Do not pass

DETAILS

2 March 1992 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS-recommendation.

Of the seven (7) members present, six (6) voted for the motion, one (1) did not vote.

Motion carried.

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 13 January 1992

Projected Completion or Occupancy

Date 9 March 1992

Fact Sheet Prepared by

Date 9 March 1992

Patricia Biancaniello

Reviewed by

Date

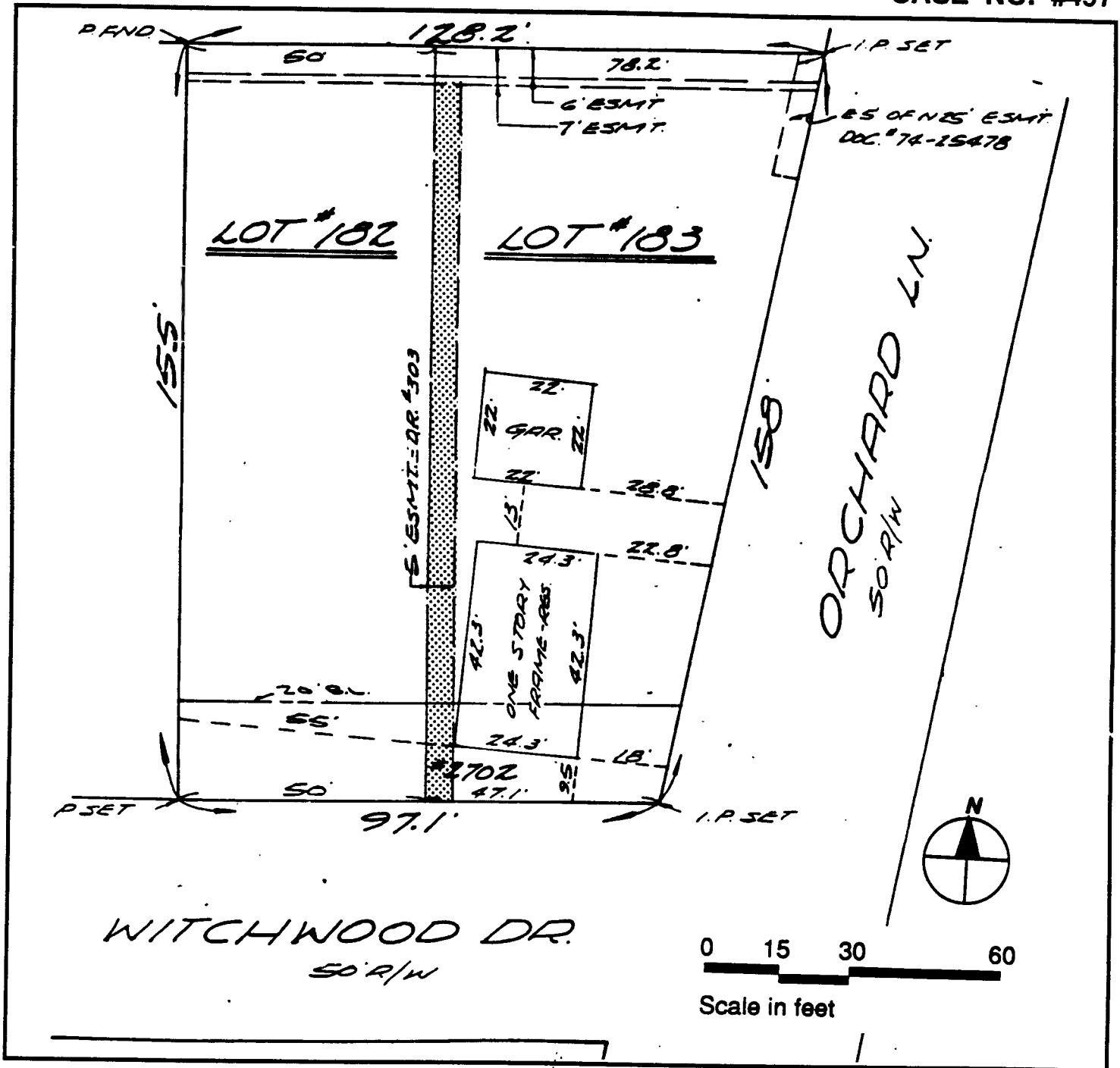

Reference or Case Number

27 MARCH 1992

VACATION PETITION

AREA MAP

CASE NO. #497



COUNCILMANIC DISTRICT NO. 4

Map No. I - 27
LW 1-28-92

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

David E. Meyer requests the vacation of an utility easement.

Location: 2702 Witchwood Drive

Legal: The W 5 ft. of the S 148 ft. of Lot 183 in
Waynedale Gardens Second Addition.

Land Area: Approximately 0.02 acres

Zoning: Does not apply

Surroundings: North R-1
South R-1
East R-1
West R-1

Reason for Request: Proposed addition to the home.

Comprehensive Plan: No comment.

Neighborhood Plan: No comment.

Landscape: No comment.

Planning Staff Discussion:

The petitioner owns the property on either side of this easement. He would like to build an addition on the west side of the existing home. The proposed addition would extend across the easement onto lot 182.

The petitioner stated in conversation with the staff that he believes there are no utilities located in this easement, nor is there any need for the easement. There is an east/west easement located along the north property line, which is not being vacated. Orchard Lane is located to the east, and both lots have frontage on Witchwood Drive.

Staff has no objection to the vacation provided that the petitioner would provide for utility relocations or replacement easements as needed.

Recommendation: Conditional Approval, contingent upon the petitioner providing utility relocations or replacement easements as needed, and for the following reasons:

- 1) The easement is not needed for future growth of the area.
- 2) Approval will allow a property value improvement without detriment to any other property owner, or the city in general.

RESOLUTION 79-212-12

WHEREAS, DAVID E. & KATHLEEN MEYER have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easement situated in Fort Wayne, Allen County, to-wit:

The west 5 feet of the south 148 feet of Lot 183 in Waynedale Gardens Second Addition, as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated utility easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated utility easement hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated utility easement or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA))
COUNTY OF ALLEN) SS:

COUNTY OF ALLEN)
I, Charles E. Layton, Director of the
Board of Public Works, do hereby certify that attached hereto is a
full, true and correct copy of a resolution adopted by the Fort
Wayne Board of Public Works at their meeting held
March 25, 1992 and as same appears of
record in the official records of the Board of Public Works.

DATED THIS 25th DAY OF March 1992

FORT WAYNE BOARD OF PUBLIC WORKS

Charles E. Layton
Director of Public Works

Katherine A. Carrier
Member, Board of Public Works

C. James Owen
Member, Board of Public Works

RESOLUTION

WHEREAS, DAVID E. & KATHLEEN MEYER have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easement situated in Fort Wayne, Allen County, to-wit:

The west 5 feet of the south 148 feet of Lot 183 in Waynedale Gardens Second Addition, as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said public hearing was held on February 24, 1992 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated utility easement.

WHEREAS, said vacation of dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easement hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easement hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated utility easement or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.


BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated utility easement in Allen County, Indiana.

STATE OF INDIANA))
COUNTY OF ALLEN) SS:

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, March 2, 1992 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 4th DAY OF March 1992

FORT WAYNE CITY PLAN COMMISSION


Robert Hutner
Secretary



THE CITY OF FORT WAYNE



Paul Helmke
Mayor

March 27, 1992

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated street right-of-way.

The proposed ordinance is designated as:

Bill No. G-92-02-19

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
27th day of March 1992.

Robert Hutner
Secretary

/pb

CC: File

Division of Community Development & Planning

BRIEF TITLE

Street Vacation Ordinance

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

Kuhlman Street between Moore Drive and Hillegas Road

Reason for Project

The adjacent property owner would like to vacate the street in order to clean up the area.

Discussion (Including relationship to other Council actions)
24 February 1992 - Public Hearing

James Starnes, 2737 W Washington Ctr Road, petitioner appeared before the Commission. Mr. Starnes stated that this street, to his knowledge, had never been improved and that it was currently maintained by the neighbors. He stated that they would like to vacate the street in order to clean up the area.

Steve Smith stated that the map shows Moore Street connecting and open onto Butler and questioned if that was correct.

Mr. Starnes stated that Moore Street connects to Butler.

Steve Smith questioned if it also connected to Sheaffer Avenue.

Mr. Starnes stated that it did not. He stated that Sheaffer Avenue was also an unimproved street.

Steve Smith questioned then if Moore Drive was the only access in and out of the area.

Mr. Starnes stated that it was.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)
James Starnes
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation
☒ For ☐ Against

Reason Against

Board or
Commission
Recommendation

By

☒ For ☐ Against
☐ No Action Taken

☐ For with revisions to conditions
 (See Details column for condition

**CITY COUNCIL
ACTIONS**
(For Council
use only)

☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pas

POLICY/PROGRAM IMPACT

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Motion carried.

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Date 13 January 1992

Date 9 March 1992

Date 9 March 1992

Date

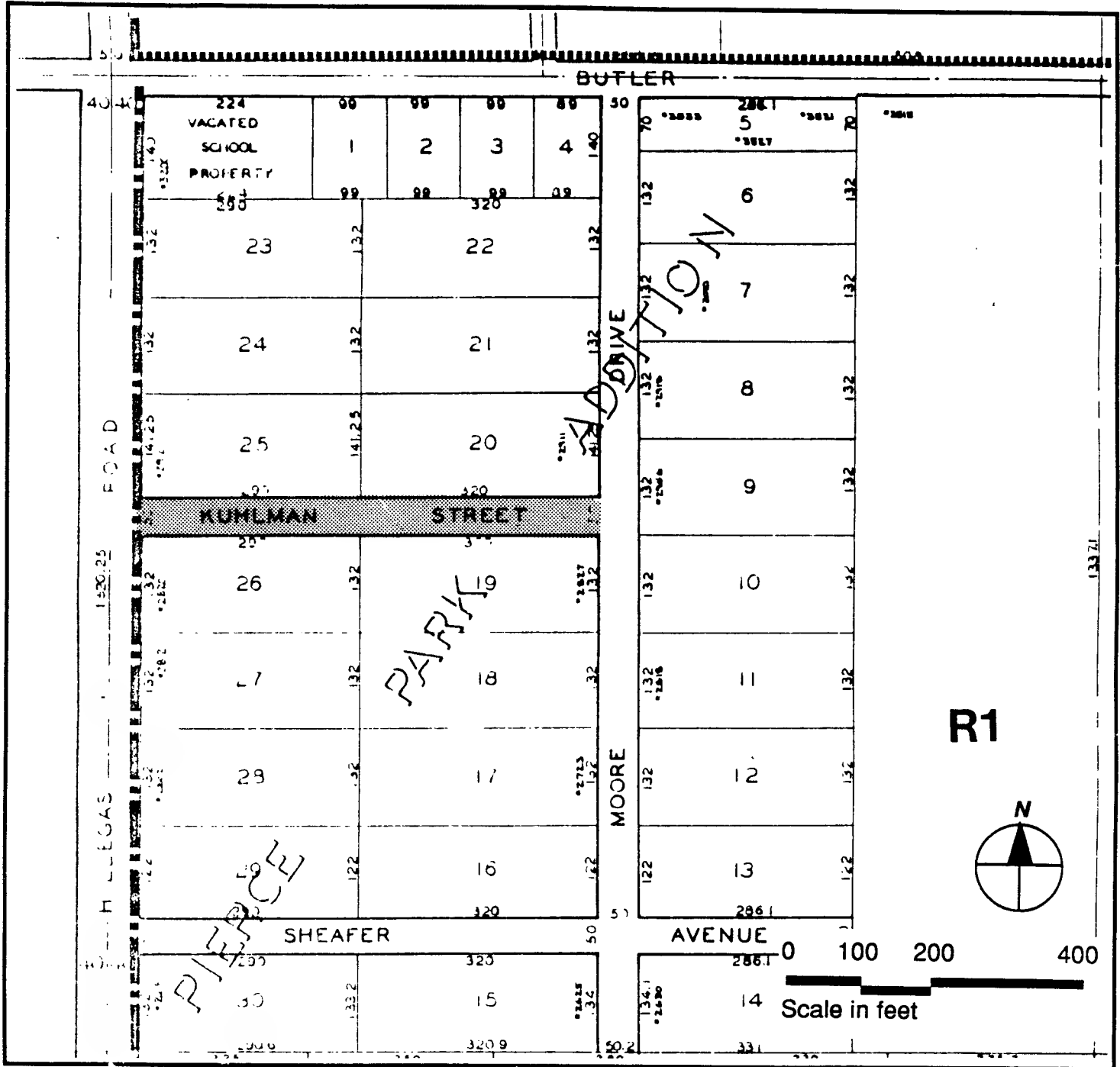
Reference or Case Number

27 MARCH 1992

VACATION PETITION

AREA MAP

CASE NO. #498



COUNCILMANIC DISTRICT NO. 3

Map No. H - 18
LW 1-28-92

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

James Starnes requests the vacation of Kuhlman Street from Hillegas Road east to Moore Drive.

Location: Kuhlman Street from Hillegas Road to Moore Street.

Legal: See file

Land Area: Approximately 0.7 acres

Zoning: R-1

Surroundings:	North	R-1	Residential
	South	R-1	Residential
	East	R-1	Residential
	West	R-1	Residential

Reason for Request: Not stated on petition.

Neighborhood Assoc.: Bass Leesburg Area Association

Comprehensive Plan: No comment.

Neighborhood Plan: No comment.

Landscape: No comment.

Planning Staff Discussion:

The petitioners state that they are the only owners abutting this right-of-way, and that it is not necessary for access to any other properties or places. They further state that this right-of-way is not advantageous to the future growth of the city, and that it would be in the best interests of the community to vacate. The four abutting property owners have signed the petition.

Staff had some concerns regarding the approval of this petition. While the right-of-way has not been improved, it does offer some possibilities for future traffic needs. Moore Street is a dead-end street, without a cul-de-sac, accessible only from Butler Road. (The Sheaffer Avenue right-of-way is also not open or improved.) Moore Street is approximately 1300 feet in length.

Traffic control and access management are important aspects of government, as well as means of providing appropriate rights-of-way for safety reasons. The Subdivision Control Ordinance provides that cul-de-sac or dead-end streets should not exceed a 500 foot length.

Our overall evaluation leads us to believe that while this right-

of-way may not be necessary at this time, it is appropriate to maintain the dedication for future needs and potential safety reasons.

Recommendation: Do Not Pass, for the following reasons:

1) Moore Street is approximately 1300 long, terminating in a dead-end. The only access to Moore Street is from Butler Road.

2) While there currently does not appear to be a need to improve this right-of-way, it would be appropriate to maintain the dedication for future safety reasons.

RESOLUTION 79-112-13

WHEREAS, JAMES D. STARNES has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated right-of-way situated in Fort Wayne, Allen County, to-wit:

Kuhlman Street between Moore Drive and Hillegas Road (between lots 19, 20, 25 and 26 in Pierce Park Addition) as recorded in Plat Book #10, pages 88-89 December 21, 1923 in the Office of the Recorder of Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated right-of-way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated right-of-way hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated right-of-way hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated right-of-way or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN)

I, Charles E. Layton, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held March 25, 1992 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 25th DAY OF March 1992

FORT WAYNE BOARD OF PUBLIC WORKS

Charles E. Layton
Director of Public Works

Katherine A. Carrier
Katherine A. Carrier
Member, Board of Public Works

C. James Owen
C. James Owen
Member, Board of Public Works

10

Kuhlman Street between Moore Drive and Hillegas Road (between lots 19, 20, 25 and 26 in Pierce Park Addition) as recorded in Plat Book #10, pages 88-89 December 21, 1923 in the Office of the Recorder of Allen County, Indiana.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated right-of-way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated right-of-way hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated right-of-way in Allen County, Indiana.

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, March 2, 1992 and as the same appears of record in the official records of said Plan Commission.

FORT WAYNE CITY PLAN COMMISSION

Robert Hutner
Secretary



THE CITY OF FORT WAYNE



Paul Helmke
Mayor

March 27, 1992

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated utility easement.

The proposed ordinance is designated as:

Bill No. G-92-02-22

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
27th day of March 1992.


Robert Huthner
Secretary

/pb

CC: File

An Equal Opportunity Employer
One Main Street, Fort Wayne, Indiana 46802

FACT SHEET

G-92-02- 22

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Utility Easement Vacation

APPROVAL DEADLINE**REASON****DETAILS****Specific Location and/or Address**

Easement is located in Spy Run Industrial Park Section I.

Reason for Project

Future development.

Discussion (Including relationship to other Council actions)24 February 1992 - Public Hearing

Earl Cowdrey, 7727 Sunderland, representing Andy & John Brooks the principals of A&J Partnership, appeared before the Commission. Mr. Cowdrey stated that the reasons for the petition were: 1) to free property of unnecessary restriction for future development, 2) A&J Partnership & Brooks Development are the sole owners of real estate bordering both sides of the 14' utility easement, 3) the location of the 14' utility easement serves no functional purpose and is not necessary as ingress or egress to other properties whatsoever; and, 4) the maintenance of said easement is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City and the citizens thereof. Mr. Cowdrey stated that in the future development of this property, the property owners shall fully cooperate with and provide necessary access to both city and private utility owners as needed.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**A&J Partnership & Brooks
Development
City Department

Other

Opponents**Groups or Individuals****Basis of Opposition****Staff
Recommendation**☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation****By**☒ For ☐ Against☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

2 March 1992 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

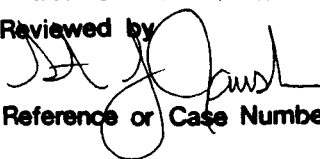
Of the seven members present, six (6) voted for the motion, one (1) did not vote.

Motion carried.

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start	Date 17 January 1992
Projected Completion or Occupancy	Date 9 March 1992
Fact Sheet Prepared by Patricia Biancaniello	Date 9 March 1992
Reviewed by 	Date 27 MARCH 1992
Reference or Case Number	

A & J Partnership and Brooks Development, request the vacation of a utility easement.

Location: Off of the 3700 block of Limestone Drive
Legal: See file
Land Area: Approximately 0.2 acres
Zoning: M-3
Surroundings: This easement is located in an industrial park that is zoned M-3.
Reason for Request: Future development.
Neighborhood Assoc.: None

Comprehensive Plan: No comment.
Neighborhood Plan: No comment.
Landscape: No comment.

Planning Staff Discussion:

The petitioners state that they are the only owners of properties bordering the easement, and that the easement does not serve any functional need or purpose. They further indicate that vacation will allow for future development.

The property is located in an industrial development on the north side of the cul-de-sac. Any future development would be subject to floodway fringe regulations and constraints, as this parcel is effected by the Fairfield Ditch.

Staff believes that the vacation can be approved as long as the petitioner is willing to provide for utility relocations or replacement easements as needed. The area is predominately developed at the current time, so that the only future growth potential would be in the expansion of existing facilities.

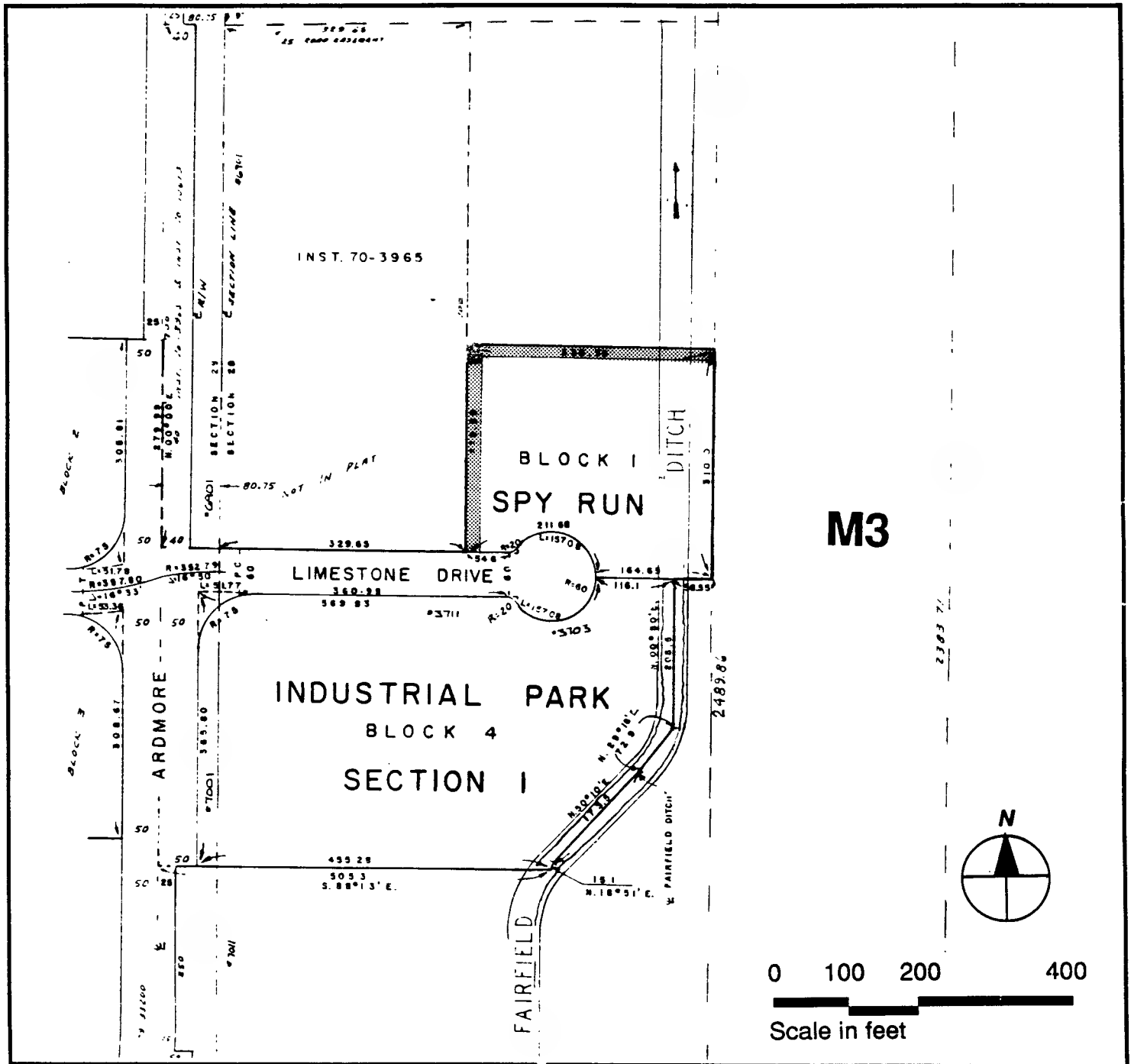
Recommendation: Conditional Approval, contingent upon the petitioners providing for utility relocations or replacement easements as needed, and for the following reasons:

- 1) The easements are not needed for access to any public or private ways, nor are they necessary for the future growth of the area.
- 2) Approval will not negatively impact any property values.

VACATION PETITION

AREA MAP

CASE NO. #499



COUNCILMANIC DISTRICT NO. 4

Map No. H - 27
LW 1-28-92

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	FOD	Professional Office District		

RESOLUTION 79-212-11

WHEREAS, ANDREW F. & JOHN R. BROOKS (A & J PARTNERSHIP) has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easement situated in Fort Wayne, Allen County, to-wit:

The west 14 feet of Block #1, except the north 14 feet; and the north 14 feet of Block #1, of Block #1 in Spy Run Industrial Park, Section #1, as recorded in Plat Book #36, pages #34-37, in the Office of the Recorder of Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated utility easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated utility easement hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated utility easement or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN)

I, Charles E. Layton, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held March 25 1992 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 25th DAY OF March 1992

FORT WAYNE BOARD OF PUBLIC WORKS

Charles E. Layton
Director of Public Works

Katherine A. Carrier
Katherine A. Carrier
Member, Board of Public Works

C. James Owen
C. James Owen
Member, Board of Public Works

The west 14 feet of Block #1, except the north 14 feet; and the north 14 feet of Block #1, of Block #1 in Spy Run Industrial Park, Section #1, as recorded in Plat Book #36, pages #34-37, in the Office of the Recorder of Allen County, Indiana.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;


WHEREAS, said vacation of dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easement hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated utility easement in Allen County, Indiana.

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, March 2, 1992 and as the same appears of record in the official records of said Plan Commission.

FORT WAYNE CITY PLAN COMMISSION


Robert Hutner
Secretary



The City of Fort Wayne

April 2, 1992

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated right-of-way.

The proposed ordinance is designated as:

Bill No. G-92-03-17

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
2nd day of April 1992.

A handwritten signature in black ink, appearing to read "R. Hutner", is written over a horizontal line.

Robert Hutner
Secretary

/pb

CC: File

Division of Community Development & Planning

BRIEF TITLE

Alley Vacation Ordinance

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

The first alley west of Calhoun Street from Superior Street north to the first east-west alley.

Reason for Project

Increased safety.

Discussion (Including relationship to other Council actions)

16 March 1992 - Public Hearing

John Jessop, representing Container Corporation of America stated that their company has recently acquired some additional equipment giving them a capacity increase of about 30%. He stated that they would be adding approximately 22 jobs within the next three years. He stated that as part of the capacity expansion it necessitates moving a portion of their production equipment over to their other facility across the alley. He stated this will greatly increase the forklift traffic across this alley between the two facilities. He stated that for that reason they have requested the vacation of the alley. He stated that they are prepared to provide utility easements in the alley. He stated that they do at this point have some reservations to the Traffic Engineering's recommendation for a cul-de-sac. He stated that it is obvious that they need more details from Traffic Engineering and will work something out.

Trisha Gensic, Business Advocate with the department of Economic Development stated that she wanted to speak in support of the

POSITIONS

RECOMMENDATIONS

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Container Corporation of America City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

petition. She stated that they are working with Container Corporation on an expansion project and this vacation would help to facilitate that project.

There was no one else present who wished to speak in favor of or in support of the proposed petition.

23 March 1992 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the eight (8) members present, seven (7) voted in favor of the motion, one (1) did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 11 February 1992

Projected Completion or Occupancy

Date 2 April 1992

Fact Sheet Prepared by
Patricia Biancaniello

Date 2 April 1992

Reviewed by

Date

2 APRIL 1992

Reference or Case Number

1

CASE NO. #501



Map No. M-6
LW 2-20-92

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

Container Corporation of America requests the vacation of a public alley.

Location: The 1st alley west of Calhoun Street from Superior Street north to the 1st east/west alley.

Legal: See file

Land Area: Approximately 0.03 acres

Zoning: Does not apply

Surroundings:	North	M-3	Parking area
	South	M-1	AC Building Dept. Offices
	East	M-3	Wayne Township Trustee
	West	M-3	Tec-Hackett

Reason for Request: Increased safety.

Neighborhood Assoc.: West Central Neighborhood Association

Comprehensive Plan: No comment.

Neighborhood Plan: No comment.

Landscape: No comment.

Planning Staff Discussion:

Petitioners state that due to "capacity expansion, material handling will require a significant increase in fork truck traffic down the alleyway between the two Container Corporation facilities. The vacation is requested to ensure the safety of fork truck drivers and county employee vehicle traffic."

The property to the north of this alley is owner by the Allen County Commissioners, and is used for employee parking. The Commissioners have signed the petition, as well as the property owner to the west (Tec-Hackett).

While we do not object to the vacation, we do have some concerns that must be addressed as conditions of approval. First, as provided under state law, the petitioners must provide for utility easements or relocations as necessary. Secondly, we have been advised by Traffic Engineering that a "curbed cul-de-sac should be required at west end to prevent cut-thru traffic at the Tec-Hackett lot". We strongly support the Traffic Engineering recommendation as public safety and access management are always important issues.

Recommendation: Conditional approval contingent upon the petitioner satisfying the following:

1) Petitioner must provide utility easements or relocations as necessary;

2) Petitioner must provide a curbed cul-de-sac at the west end to prevent cut-thru traffic at the Tec-Hackett lot. Such cul-de-sac must comply with all requirements of the Traffic Engineering Department.

RESOLUTION 79-214-5

WHEREAS, CONTAINER CORPORATION OF AMERICA has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated right-of-way situated in Fort Wayne, Allen County, to-wit:

The first alley West of Calhoun Street from the North property line of Superior Street to the South property line of the first alley North of Superior Street.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated right-of-way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated right-of-way hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated right-of-way hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated right-of-way or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA))
COUNTY OF ALLEN) SS:

I, CHARLES E. LAYTON, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held APRIL 1, 1992 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 1 DAY OF APRIL 1992

~~FORT WAYNE BOARD OF PUBLIC WORKS~~

Charles E. Layton
Director of Public Works

Katherine A. Carrier
Member, Board of Public Works

C. James Owen
Member, Board of Public Works

RESOLUTION

WHEREAS, CONTAINER CORPORATION OF AMERICA has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated right-of-way situated in Fort Wayne, Allen County, to-wit:

The first alley West of Calhoun Street from the North property line of Superior Street to the South property line of the first alley North of Superior Street.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said public hearing was held on March 16, 1992 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated right-of-way.

WHEREAS, said vacation of dedicated right-of-way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated right-of-way hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated right-of-way hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated right-of-way or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

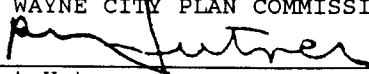
BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated right-of-way in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, March 23, 1992 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 31st DAY OF March 1992

FORT WAYNE CITY PLAN COMMISSION


Robert Hutner
Secretary

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 14th day of April, 1992, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this _____ day of _____, 19____.

Sandra E. Kennedy
City Clerk